

EXHIBIT B

Mary Angie Garcia
Bexar County District Clerk
Accepted By: Martha Medellin

WJD

CAUSE NO. _____

TRACY HACKWORTH
Plaintiff,

v.

LOWE'S COMPANIES, INC.
Defendant.

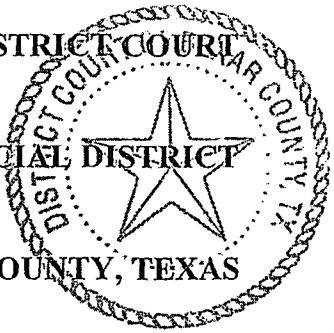
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IN THE DISTRICT COURT

166th

JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS



PLAINTIFF'S ORIGINAL PETITION

COMES NOW, PLAINTIFF TRACY HACKWORTH and files this her Original Petition complaining of, DEFENDANT, LOWE'S COMPANIES, INC. and would respectfully show unto the Court as follows:

1. PARTIES

1.1. Plaintiff, Tracy Hackworth, is a citizen of the State of Texas and a resident of Bexar County, Texas.

1.2. Defendant, Lowe's Companies, Inc. is a North Carolina Corporation registered in Texas and may be served by serving its registered agent for service of process; Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company at 211 E. 7th Street, Suite 620, Austin, TX 78701-3218.

2. DISCOVERY LEVEL

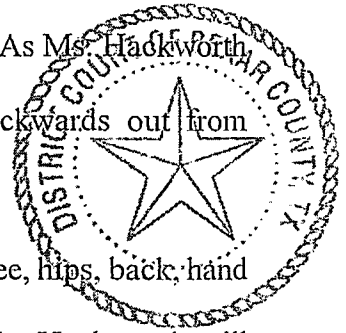
2.1. Plaintiff intends to conduct discovery pursuant to Texas Rule of Civil Procedure 190.4 (Level 3).

3. FACTS

3.1. On April 19, 2019, Tracy Hackworth and her husband visited a Lowe's Home Improvement Store located at 7901 Callaghan Rd, San Antonio, Texas 78229.

3.2. Ms. Hackworth and her husband had been looking at kitchen furniture and appliances. She was asked by a Lowe's employee to sit down at an in-store consultation desk. As Ms. Hackworth began to sit in the Lowe's provided chair, the chair failed and rolled backwards out from underneath her. Ms. Hackworth was caused to fall to the ground.

3.3. As a result of the fall, Ms. Hackworth sustained injuries to her ankle, knee, hips, back, hand and pelvis. Despite completing a course of various medical treatments, Ms. Hackworth still endures pain and ongoing treatment.



4. CAUSES OF ACTION

Premises Liability

4.1. Ms. Hackworth was a business invitee of Defendant. She was at Lowe's shopping for the goods and services Lowe's sells.

4.2. Defendant is the owner and/or operator of the store where the accident occurred. Therefore, at all times material to this incident, Defendant was the possessor of the premises where this incident occurred.

4.3. Ms. Hackworth was injured by an unreasonably dangerous condition on the property. Namely, a defective chair provided by a Lowe's employee. The defective chair provided was unreasonably unsafe and was the direct cause of Ms. Hackworth's injuries.

4.4. Defendant knew or, by the reasonable exercise of care should have known, that the chair provided to Ms. Hackworth was unreasonably dangerous. In fact, in the immediate aftermath of the incident, Ms. Hackworth was completing an incident report with a Lowe's employee who informed her the subject chair was defective and would need to be thrown away.

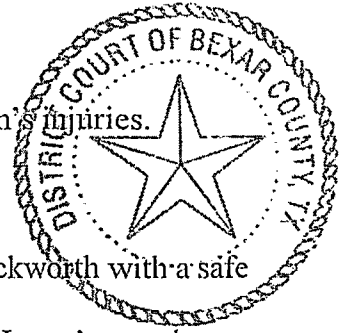
4.5. Defendant had a duty to warn Ms. Hackworth of the chair and/or make the condition reasonably safe for Defendant's guests.

4.6. Defendant breached that duty by failing to warn Ms. Hackworth and failing to make the condition safe.

4.7. Defendant's failure was a direct and proximate cause of Ms. Hackworth's injuries.

Negligence

4.8. Pleading in the alternative, Lowe's undertook a duty to provide Ms. Hackworth with a safe and stable chair from which she could participate in a consultation with a Lowe's employee. Lowe's breached that duty by providing Ms. Hackworth a chair that was unfit and unsafe. Lowe's breach of its duty to Ms. Hackworth was a direct and proximate cause of her injuries and damages in this case.



5. DAMAGES

5.1. As a direct result of the incident made the basis of this lawsuit, Ms. Hackworth has sustained severe and permanent injuries to her body. Defendant is therefore liable to Ms. Hackworth for:

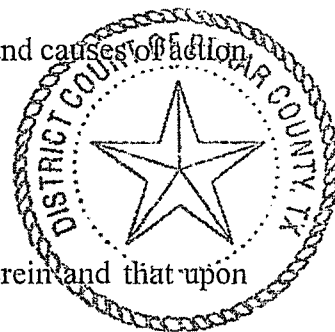
- 5.1.1. Medical expenses incurred in the past and that in all reasonable probability will be incurred in the future.
- 5.1.2. Pain and suffering that occurred in the past and that in all reasonable probability will be suffered in the future.
- 5.1.3. Mental anguish in the past and future.
- 5.1.4. Disfigurement in the past and future.
- 5.1.5. Physical impairment in the past and future.
- 5.1.6. Lost Wages in the past and lost earning capacity in the future.
- 5.1.7. Exemplary damages in an amount to be determined by the jury.

6. JURY TRIAL

6.1. Plaintiff Tracy Hackworth hereby demands a trial by jury on all claims and causes of action and tenders the jury fee along with this Original Petition.

7. PRAYER

7.1. Plaintiff Tracy Hackworth prays that Defendant be cited to appear herein and that upon notice and hearing, she be awarded the damages described above, costs of court and any additional relief to which she may show herself justly entitled.



Respectfully Submitted,

SLOAN PLLC
14546 Brook Hollow Blvd. No. 512
San Antonio, TX 78232
T: 210.343.5000
F: 210.802.0480

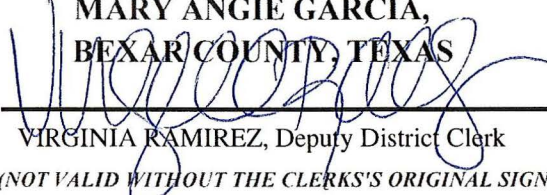
/s/ Jeremy Sloan

Jeremy R. Sloan
State Bar No. 24054995
Email: jeremy@sloanpllc.com



CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:

May 27, 2021

By: **MARY ANGIE GARCIA,**
BEXAR COUNTY, TEXAS


VIRGINIA RAMIREZ, Deputy District Clerk
(NOT VALID WITHOUT THE CLERKS'S ORIGINAL SIGNATURE.)

PRIVATE PROCESS

Case Number: 2021-CI-08323



TRACY HACKWORTH

VS.

LOWES COMPANIES INC

(Note: Attached Document May Contain Additional Litigants.)

 IN THE DISTRICT COURT
 166th JUDICIAL DISTRICT
 BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

 Directed To: LOWES COMPANIES INC BY SERVING ITS REGISTERED AGENT
 CORPORATION SERVICE COMPANY DBA CSC-LAWYERS INCORPORATING
 SERVICE COMPANY

 Chance Strawser
 Pronto Process
 210-226-7192
 Date:

5-4-21

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Said ORIGINAL PETITION was filed on the 28th day of April, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 30TH DAY OF APRIL A.D., 2021.

 JEREMY R SLOAN
 ATTORNEY FOR PLAINTIFF
 14546 BROOK HOLLOW BLVD 512
 SAN ANTONIO, TX 78232-3810

 Mary Angie Garcia
 Bexar County District Clerk
 101 W. Nueva, Suite 217
 San Antonio, Texas 78205

By: Ana Cortijo, Deputy

 TRACY HACKWORTH
 VS
 LOWES COMPANIES INC

Officer's Return

 Case Number: 2021-CI-08323
 Court: 166th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock ____ M. at _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____ County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Case Number: 2021CI08323

Document Type: CITATION

Declarant

Page 1 of 2

FILE COPY (0K002)

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



May 27, 2021

By: **MARY ANGIE GARCIA,**
BEXAR COUNTY, TEXAS

VIRGINIA RAMIREZ, Deputy District Clerk
(NOT VALID WITHOUT THE CLERKS'S ORIGINAL SIGNATURE.)

Case Number: 2021-CI-08323



TRACY HACKWORTH
VS.
LOWES COMPANIES INC

(Note: Attached Document May Contain Additional Litigants.)

CITATION

"THE STATE OF TEXAS"

Directed To: LOWES COMPANIES INC BY SERVING ITS REGISTERED AGENT
CORPORATION SERVICE COMPANY DBA CSC-LAWYERS INCORPORATING
SERVICE COMPANY



"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." Said ORIGINAL PETITION was filed on the 28th day of April, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 30TH DAY OF APRIL A.D., 2021.

JEREMY R SLOAN
ATTORNEY FOR PLAINTIFF
14546 BROOK HOLLOW BLVD 512
SAN ANTONIO, TX 78232-3810



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: *Ana Cortijo*, Deputy

TRACY HACKWORTH VS LOWES COMPANIES INC	Officer's Return	Case Number: 2021-CI-08323 Court: 166th Judicial District Court
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I received this CITATION on _____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, _____, in person on the _____ at _____ o'clock ____ M. at _____ or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____
_____, County, Texas
By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.
Case Number: 2021CI08323 Document Type: CITATION

AFFIDAVIT OF SERVICE

State of Texas

County of Bexar

166th Judicial District Court

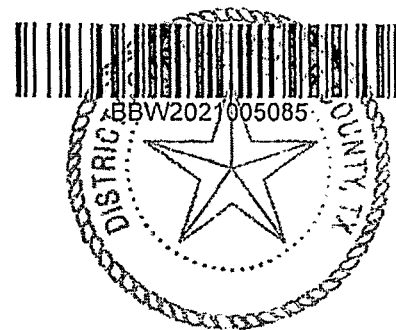
Case Number: 2021CI08323

Plaintiff:
TRACY HACKWORTH

vs.

Defendant:
LOWE'S COMPANIES, INC.

For:
JEREMY SLOAN
SLOAN PLLC
14546 BROOK HOLLOW BLVD
NO. 512
SAN ANTONIO, TX 78232



Received by Mike Techow on the 5th day of May, 2021 at 1:14 pm to be served on LOWE'S COMPANIES, INC. BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INCORPORATION SERVICE COMPANY, 211 E. 7TH STREET, STE. 620, AUSTIN, TX 78701.

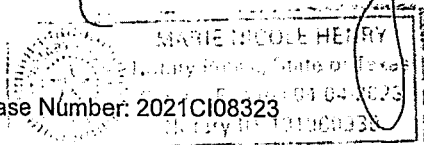
I, Mike Techow, being duly sworn, depose and say that on the 5th day of May, 2021 at 2:50 pm, I:

delivered to REGISTERED AGENT by delivering a true copy of the CITATION /PLAINTIFF'S ORIGINAL PETITION with the date of service endorsed thereon by me, to: Samantha Guerra, CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INCORPORATION SERVICE COMPANY as Authorized Agent at the address of: 211 E. 7TH STREET, STE. 620, AUSTIN, TX 78701 on behalf of LOWE'S COMPANIES, INC., and informed said person of the contents therein, in compliance with state statutes.

My name is Mike Techow. My date of birth is 6/26/1972. My work address is 809 Nueces, Austin, TX 78701. I declare under penalty of perjury that the foregoing is true and correct. Executed in Travis County on May 5, 2021 by Mike Techow, declarant.

Subscribed and Sworn to before me on the 5th day of May, 2021 by the affiant who is personally known to me.

Marie Nicole Henry
NOTARY PUBLIC



Case Number: 2021CI08323

Mike Techow

Mike Techow
PSC-1215, Exp. 7/31/2022

Pronto Process (San Antonio)
P.O. Box 7819
San Antonio, TX 78207
(210) 226-7192

Our Job Serial Number: BBW-2021005085

Document Type: CITATION

Copyright © 1992-2021 Pronto Process Server, Inc. Pronto Process Server's Toolbox V8.11

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



May 27, 2021

**MARY ANGIE GARCIA,
BEXAR COUNTY, TEXAS**

By: _____

VIRGINIA RAMIREZ, Deputy District Clerk

(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

CAUSE NO. 2021CI08323

TRACY HACKWORTH,

Plaintiff,

v.

LOWE'S COMPANIES, INC.,

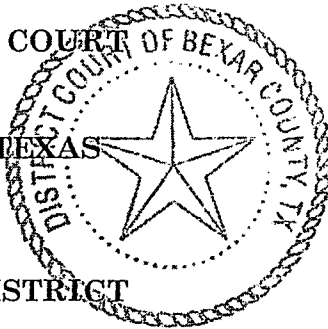
Defendant.

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IN THE DISTRICT COURT OF BEXAR COUNTY,

BEXAR COUNTY, TEXAS

166th JUDICIAL DISTRICT



LOWE'S COMPANIES, INC.'S
(incorrectly named and an improper party)
ORIGINAL ANSWER, VERIFIED DENIAL AND
SPECIAL EXCEPTIONS TO PLAINTIFF'S ORIGINAL PETITION

LOWE'S COMPANIES, INC., *(incorrectly named and an improper party to this lawsuit and hereinafter referred to as "Defendant")*, hereby files its Original Answer, Verified Denial and Special Exceptions to Plaintiff's Original Petition as follows:

I.
GENERAL DENIAL

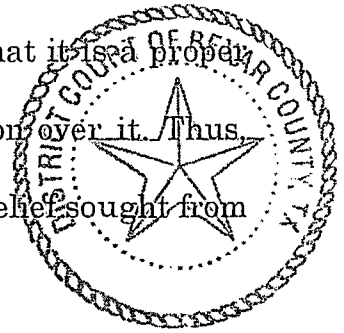
1. LOWE'S COMPANIES, INC. denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demand strict proof thereof.

II.
VERIFIED DENIAL

2. Subject to and without waiving the foregoing General Denial, and in the alternative, pursuant to Rule 93 of the TEXAS RULES OF CIVIL PROCEDURE, LOWE'S COMPANIES, INC. pleads that it is not liable in the capacity in which it has been sued.

3. LOWE'S COMPANIES, INC. further denies that it owed a duty to the Plaintiff, specifically denies that it has any liability and/or interest in the incident

that forms the basis of the Plaintiff's lawsuit and said denial is supported by verification herein. Furthermore, LOWE'S COMPANIES, INC. denies that it is a proper party to this lawsuit and hereby challenges this Court's jurisdiction over it. Thus, LOWE'S COMPANIES, INC. asserts that Plaintiff is not entitled to the relief sought from LOWE'S COMPANIES, INC.



III. SPECIAL EXCEPTIONS

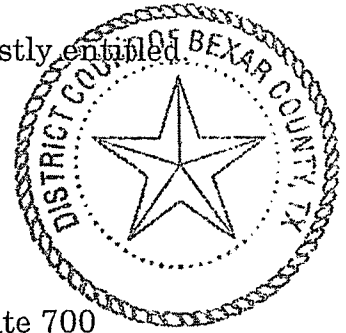
4. LOWE'S COMPANIES, INC. specially excepts to Plaintiff's Original Petition in its entirety because Plaintiff has pled for the recovery of monetary damages but has failed to comply with the specific provisions of TEXAS RULE OF CIVIL PROCEDURE 47(c), requiring that Plaintiff plead a range for the monetary relief sought and whether non-monetary relief is sought. Because Plaintiff has failed to comply with Rule 47(c) Plaintiff may not conduct discovery until the Petition is amended to comply.

5. Therefore, LOWE'S COMPANIES, INC. requests that, after notice and a hearing, the Court sustain this special exception and order Plaintiff to re-plead and identify with specificity the total amount of claimed damages in accordance with Rule 47(c). Should Plaintiff refuse or fail to cure this defect, LOWE'S COMPANIES, INC. prays that the Court will strike Plaintiff's Original Petition in its entirety.

IV. PRAYER FOR RELIEF

LOWE'S COMPANIES, INC., prays that Plaintiff take nothing by this lawsuit, that named Defendant LOWE'S COMPANIES, INC., go hence with its costs without delay, and

for such other and further relief, both general and special, at law and in equity, to which named Defendant LOWE'S COMPANIES, INC. may show itself justly entitled.



Respectfully submitted,

MAYER LLP

750 N. Saint Paul Street, Suite 700
Dallas, Texas 75201
214.379.6900 / Fax 214.379.6939

By s/ Robin R. Gant

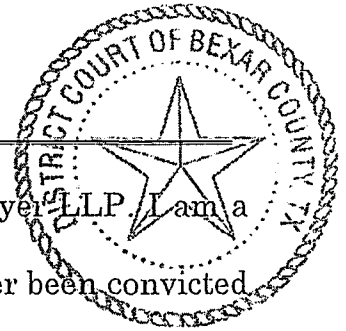
Zach T. Mayer
State Bar No. 24013118
E-Mail: zmayer@mayerllp.com
Robin R. Gant
State Bar No. 24069754
E-Mail: rgant@mayerllp.com

ATTORNEYS FOR DEFENDANT

LOWE'S COMPANIES, INC.

(incorrectly named and an improper party)

**UNSWORN DECLARATION OF ROBIN R. GANT
UNDER PENALTY OF PERJURY**



1. My name is Robin R. Gant and I am a Partner at Mayer LLP. I am a member in good standing of the State Bar of Texas State. I have never been convicted of a crime. I am counsel for named Defendant LOWE'S COMPANIES, INC. in this lawsuit.

2. I am of sound mind, over the age of eighteen years old, and capable of making this Declaration and it is made based on my own personal knowledge.

3. I am familiar with the facts stated in Section II of *Lowe's Companies, Inc.'s Original Answer, Verified Denial and Special Exceptions to Plaintiff's Original Petition* and declare that said facts are true and correct.

4. I declare under penalty of perjury that the foregoing is true and correct. My work address is 750 North Saint Paul Street, Suite 700, Dallas, Texas 75201, 214.379.6908.

EXECUTED this 25th day of May 2021.

ROBIN R. GANT

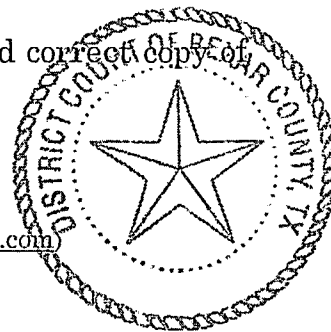
CERTIFICATE OF SERVICE

This is to certify that on the 25th day of May 2021, a true and correct copy of
the foregoing has been forwarded to all counsel of record as follows:

Jeremy R. Sloan
SLOAN, PLLC
14546 Brook Hollow Blvd. No. 512
San Antonio, Texas 78232

Counsel for Plaintiff

- ☐ E-MAIL (jeremy@sloanpllc.com)
☐ HAND DELIVERY
☐ FACSIMILE
☐ OVERNIGHT MAIL
☐ REGULAR, FIRST CLASS MAIL
☒ E-FILE AND SERVE
☐ E-SERVICE ONLY
☐ CERTIFIED MAIL/RETURN RECEIPT REQUESTED



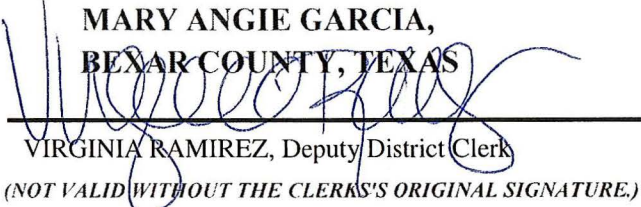
/s/ Robin R. Gant

Robin R. Gant

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



May 27, 2021

By: MARY ANGIE GARCIA,
BEXAR COUNTY, TEXAS

VIRGINIA RAMIREZ, Deputy District Clerk
(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

MAYER

ROBIN R. GANT
DIRECT: 214.379.6908
E-MAIL: RGANT@MAYERLLP.COM



May 25, 2021

Jeremy Sloan
SLOAN, PLLC
14546 Brook Hollow Blvd. No. 512
San Antonio, Texas 78232

Re: *Tracy Hackworth v. Lowe's Companies, Inc.*
Cause No.: 2021CI08323
Court: In the 166th District Court, Bexar County, Texas
Our File No.: 10091.00189

Dear Mr. Sloan:

Enclosed is ***Lowe's Companies Inc.'s*** (incorrectly named and an improper party) ***Original Answer, Verified Denial and Special Exceptions to Plaintiff's Original Petition*** in the above-referenced matter, which was e-filed today in the 166th District Court, Bexar County, Texas.

Please be advised that we would like to take your client's deposition, on a mutually agreeable date and time, following our receipt of Plaintiff's Answers to Lowe's Companies, Inc. (forthcoming) written discovery requests.

Should you have any questions, please do not hesitate to contact me at 214.379.6908 or via email at rgant@mayerllp.com.

Sincerely,

MAYER LLP

By: /s/ Robin R. Gant
Robin R. Gant

RRG/pm
Attachment


CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
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May 27, 2021

**MARY ANGIE GARCIA,
BEXAR COUNTY, TEXAS**

By:



VIRGINIA RAMIREZ, Deputy District Clerk
(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

FILED
5/27/2021 2:50 PM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Cynthia Aponte
Bexar County - 166th District Court

MAYER

KRISTY FISHER
DIRECT LINE: 214.379.6289
E-MAIL: KFISHER@MAYERLLP.COM

May 27, 2021

VIA E-File

Bexar County District Clerk
101 W. Nueva, Suite 117
San Antonio, Texas 78205

Re: ***Tracy Hackworth v. Lowe's Companies, Inc.***
Cause No.: 2021CI08323
Court: 166th Judicial District Court, Bexar County, Texas
Our File No.: 10091.00189

Dear Court Clerk:

Please provide a ***certified copy*** of the entire court file in the above-referenced matter, to include *Plaintiff's Original Petition, Civil Case Info Sheet if any, Citation, Proof of Service, Defendant Lowe's Companies, Inc.'s Original Answer, and any other documents or correspondence in the file.*

I understand that the total of the certified copies is \$18.00. All fees have been paid on-line.

Thank you for your cooperation and assistance in this matter.

Sincerely,

Kristy Fisher

Kristy Fisher
Paralegal to Robin Gant and Mavish Bana

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
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RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



July 09, 2021

**MARY ANGIE GARCIA,
BEXAR COUNTY, TEXAS**

By:

ALYSSA MONTEZ, Deputy District Clerk

(NOT VALID WITHOUT THE CLERKS'S ORIGINAL SIGNATURE.)

FILED
 5/28/2021 2:16 PM
 Mary Angie Garcia
 Bexar County District Clerk
 Accepted By: Brenda Carrillo

citpps w/jd



CAUSE NO. 2021CI08323

TRACY HACKWORTH
Plaintiff,

v.

LOWE'S HOME CENTERS, LLC
Defendant.

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§

IN THE DISTRICT COURT

166TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION

COMES NOW, PLAINTIFF TRACY HACKWORTH and files this her First Amended Original Petition complaining of, DEFENDANT, LOWE'S HOME CENTERS, LLC. and would respectfully show unto the Court as follows:

1. PARTIES

1.1. Plaintiff, Tracy Hackworth, is a citizen of the State of Texas and a resident of Bexar County, Texas.

1.2. Defendant, Lowe's Home Centers, LLC is a North Carolina Corporation registered in Texas and may be served by serving its registered agent for service of process; Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company at 211 E. 7th Street, Suite 620, Austin, TX 78701-3218.

2. DISCOVERY LEVEL

2.1. Plaintiff intends to conduct discovery pursuant to Texas Rule of Civil Procedure 190.4 (Level 3).

3. FACTS

3.1. On April 19, 2019, Tracy Hackworth and her husband visited a Lowe's Home Improvement Store located at 7901 Callaghan Rd, San Antonio, Texas 78229.

3.2. Ms. Hackworth and her husband had been looking at kitchen furniture and appliances. She was asked by a Lowe's employee to sit down at an in-store consultation desk. As Ms. Hackworth began to sit in the Lowe's provided chair, the chair failed and rolled backwards out from underneath her. Ms. Hackworth was caused to fall to the ground.

3.3. As a result of the fall, Ms. Hackworth sustained injuries to her ankle, knee, hips, back, hand and pelvis. Despite completing a course of various medical treatments, Ms. Hackworth still endures pain and ongoing treatment.

4. CAUSES OF ACTION

Premises Liability

4.1. Ms. Hackworth was a business invitee of Defendant. She was at Lowe's shopping for the goods and services Lowe's sells.

4.2. Defendant is the owner and/or operator of the store where the accident occurred. Therefore, at all times material to this incident, Defendant was the possessor of the premises where this incident occurred.

4.3. Ms. Hackworth was injured by an unreasonably dangerous condition on the property. Namely, a defective chair provided by a Lowe's employee. The defective chair provided was unreasonably unsafe and was the direct cause of Ms. Hackworth's injuries.

4.4. Defendant knew or, by the reasonable exercise of care should have known, that the chair provided to Ms. Hackworth was unreasonably dangerous. In fact, in the immediate aftermath of the incident, Ms. Hackworth was completing an incident report with a Lowe's employee who informed her the subject chair was defective and would need to be thrown away.

4.5. Defendant had a duty to warn Ms. Hackworth of the chair and/or make the condition reasonably safe for Defendant's guests.

4.6. Defendant breached that duty by failing to warn Ms. Hackworth and failing to make the condition safe.

4.7. Defendant's failure was a direct and proximate cause of Ms. Hackworth's injuries.

Negligence

4.8. Pleading in the alternative, Lowe's undertook a duty to provide Ms. Hackworth with a safe and stable chair from which she could participate in a consultation with a Lowe's employee. Lowe's breached that duty by providing Ms. Hackworth a chair that was unfit and unsafe. Lowe's breach of its duty to Ms. Hackworth was a direct and proximate cause of her injuries and damages in this case.

5. DAMAGES

5.1. As a direct result of the incident made the basis of this lawsuit, Ms. Hackworth has sustained severe and permanent injuries to her body. Defendant is therefore liable to Ms. Hackworth for:

5.1.1. Medical expenses incurred in the past and that in all reasonable probability will be incurred in the future.

5.1.2. Pain and suffering that occurred in the past and that in all reasonable probability will be suffered in the future.

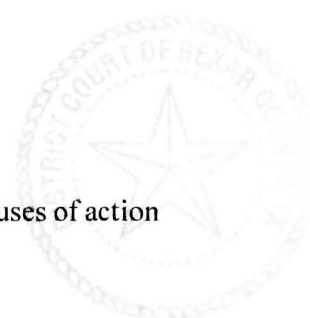
5.1.3. Mental anguish in the past and future.

5.1.4. Disfigurement in the past and future.

5.1.5. Physical impairment in the past and future.

5.1.6. Lost Wages in the past and lost earning capacity in the future.

5.1.7. Exemplary damages in an amount to be determined by the jury.



6. JURY TRIAL

6.1. Plaintiff Tracy Hackworth hereby demands a trial by jury on all claims and causes of action and tenders the jury fee along with this Original Petition.

7. PRAYER

7.1. Plaintiff Tracy Hackworth prays that Defendant be cited to appear herein and that upon notice and hearing, she be awarded the damages described above, costs of court and any additional relief to which she may show herself justly entitled.

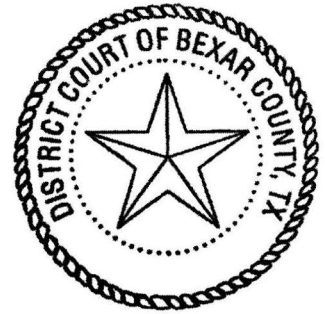
Respectfully Submitted,

SLOAN PLLC
14546 Brook Hollow Blvd. No. 512
San Antonio, TX 78232
T: 210.343.5000
F: 210.802.0480

/s/ *Jeremy Sloan*

Jeremy R. Sloan
State Bar No. 24054995
Email: jeremy@sloanpllc.com

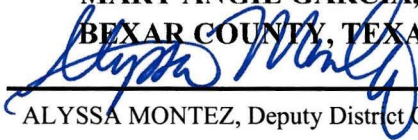
CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



July 09, 2021

**MARY ANGIE GARCIA,
BEXAR COUNTY, TEXAS**

By:



ALYSSA MONTEZ, Deputy District Clerk

(NOT VALID WITHOUT THE CLERKS'S ORIGINAL SIGNATURE.)

FILED
6/1/2021 2:12 PM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Christopher Gutierrez
Bexar County - 166th District Court

CAUSE NO. 2021CI08323

TRACY HACKWORTH,

Plaintiff,

v.

LOWE'S HOME CENTERS, LLC,

Defendant.

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IN THE DISTRICT COURT

BEXAR COUNTY, TEXAS

166th JUDICIAL DISTRICT

**LOWE'S HOME CENTERS, LLC'S ORIGINAL ANSWER
TO PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION**

LOWE'S HOME CENTERS, LLC (hereinafter "Defendant") hereby files its Original Answer to Plaintiff's First Amended Original Petition as follows:

**I.
GENERAL DENIAL**

1. LOWE'S HOME CENTERS, LLC denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demand strict proof thereof.

**II.
JURY DEMAND**

2. In accordance with Rule 216 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant demands a trial by jury and tenders the applicable jury fee with its Answer.

**III.
PRAYER FOR RELIEF**

3. Defendant, LOWE'S HOME CENTERS, LLC, prays that Plaintiff take nothing by this lawsuit, that Defendant go hence with its costs without delay, and

for such other and further relief, both general and special, at law and in equity, to which named Defendant may show itself justly entitled.

Respectfully submitted,

MAYER LLP

750 N. Saint Paul Street, Suite 700
Dallas, Texas 75201
214.379.6900 / Fax 214.379.6939

By s/ Robin R. Gant
Zach T. Mayer
State Bar No. 24013118
E-Mail: zmayer@mayerllp.com
Robin R. Gant
State Bar No. 24069754
E-Mail: rgant@mayerllp.com

**ATTORNEYS FOR DEFENDANT
LOWE'S HOME CENTERS, LLC**

CERTIFICATE OF SERVICE

This is to certify that on the 1st day of June 2021, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

Jeremy R. Sloan
SLOAN, PLLC
14546 Brook Hollow Blvd. No. 512
San Antonio, Texas 78232

Counsel for Plaintiff

- ☐ E-MAIL (jeremy@sloanpllc.com)
- ☐ HAND DELIVERY
- ☐ FACSIMILE
- ☐ OVERNIGHT MAIL
- ☐ REGULAR, FIRST CLASS MAIL
- ☒ E-FILE AND SERVE
- ☐ E-SERVICE ONLY
- ☐ CERTIFIED MAIL/RETURN RECEIPT REQUESTED

/s/ Robin R. Gant

Robin R. Gant

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
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July 09, 2021

**MARY ANGIE GARCIA,
BEXAR COUNTY TEXAS**

By: _____

Alyssa Montez
ALYSSA MONTEZ, Deputy District Clerk

(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

FILED
6/10/2021 11:57 AM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Jason Pastrano
Bexar County - 166th District Court

CAUSE NO. 2021CI08323

TRACY HACKWORTH,

Plaintiff,

v.

LOWE'S HOME CENTERS, LLC,

Defendant.

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IN THE DISTRICT COURT

BEXAR COUNTY, TEXAS

166th JUDICIAL DISTRICT

**DEFENDANT LOWE'S HOME CENTERS, LLC'S SPECIAL EXCEPTION
TO PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION**

LOWE'S HOME CENTERS, LLC (hereinafter "Defendant"), hereby files its Special Exception to Plaintiff's First Amended Original Petition ("Petition") as follows:

I.
SPECIAL EXCEPTION

1. Defendant specially excepts to the Petition in its entirety because Plaintiff has pled for the recovery of monetary damages but has failed to comply with the specific requirements of TEXAS RULE OF CIVIL PROCEDURE 47(c), requiring that Plaintiff plead a range for the monetary relief sought and whether non-monetary relief is sought. Because Plaintiff has failed to comply with Rule 47(c) Plaintiff may not conduct discovery until the Petition is amended to comply.
2. Therefore, Defendant requests that, after notice and a hearing, the Court sustain this special exception and order Plaintiff to re-plead and identify with specificity the total amount of claimed damages in accordance with Rule 47(c). Should Plaintiff refuse or fail to cure this defect, Defendant prays that the Court will strike Petition in its entirety.

3. Defendant specially excepts to Section 5 of the Petition. Plaintiff asserts that she seeks "Damages" but fails to specify the maximum amount of damages claimed. Pursuant to TEXAS RULE OF CIVIL PROCEDURE 47(c), "upon special exception the court shall require the pleader to amend so as to specify the maximum amount claimed." Accordingly, Plaintiff should be required to re-plead by a date certain and specify the maximum amount of damages claimed.

II.
PRAYER FOR RELIEF

Defendant LOWE'S HOME CENTERS, LLC, prays that the Court grant it Special Exceptions, require Plaintiff to replead as required by TEXAS RULE OF CIVIL PROCEDURE 47(c), and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

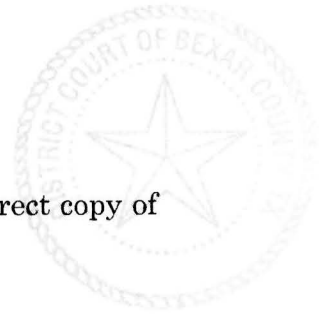
MAYER LLP

750 North Saint Paul Street, Suite 700
Dallas, Texas 75201
214.379.6900 / F: 241.379.6939

By: /s/ Robin R. Gant

Zach T. Mayer
State Bar No. 24013118
E-Mail: zmayer@mayerllp.com
Robin R. Gant
State Bar No. 24069754
E-Mail: rgant@mayerllp.com
Dwayne I. Lewis, II
State Bar No. 24097996
E-Mail: dlewis@mayerllp.com

**ATTORNEYS FOR DEFENDANT
LOWE'S HOME CENTERS, LLC**



CERTIFICATE OF SERVICE

This is to certify that on the 10th day of June 2021, a true and correct copy of the foregoing has been forwarded to all counsel of record, as follows:

Jeremy R. Sloan
SLOAN, PLLC
14546 Brook Hollow Blvd. No. 512
San Antonio, Texas 78232

Counsel for Plaintiff

- ☐ E-MAIL (jeremy@sloanpllc.com)
- ☐ HAND DELIVERY
- ☐ FACSIMILE
- ☐ OVERNIGHT MAIL
- ☐ REGULAR, FIRST CLASS MAIL
- ☒ E-SERVE AND FILE
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/s/ Robin R. Gant

Robin R. Gant

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July 09, 2021

**MARY ANGIE GARCIA,
BEXAR COUNTY, TEXAS**

By: _____

ALYSSA MONTEZ, Deputy District Clerk

(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

FILED
6/15/2021 11:41 AM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Luis Herrera

CAUSE NO. 2021CI08323

TRACY HACKWORTH
Plaintiff,

v.

LOWE'S COMPANIES, INC.
Defendant.

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IN THE DISTRICT COURT

166th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFF'S SECOND AMENDED ORIGINAL PETITION

COMES NOW, PLAINTIFF TRACY HACKWORTH and files this her Original Petition complaining of, DEFENDANT, LOWE'S COMPANIES, INC. and would respectfully show unto the Court as follows:

1. PARTIES

1.1. Plaintiff, Tracy Hackworth, is a citizen of the State of Texas and a resident of Bexar County, Texas.

1.2. Defendant, Lowe's Companies, Inc. is a North Carolina Corporation registered in Texas and may be served by serving its registered agent for service of process; Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company at 211 E. 7th Street, Suite 620, Austin, TX 78701-3218.

2. DISCOVERY LEVEL

2.1. Plaintiff intends to conduct discovery pursuant to Texas Rule of Civil Procedure 190.4 (Level 3) because this suit involves monetary relief totaling \$200,000 or more, but less than \$1,000,000, excluding court costs, prejudgment interest and attorney's fees.

3. FACTS

3.1. On April 19, 2019, Tracy Hackworth and her husband visited a Lowe's Home Improvement Store located at 7901 Callaghan Rd, San Antonio, Texas 78229.

3.2. Ms. Hackworth and her husband had been looking at kitchen furniture and appliances. She was asked by a Lowe's employee to sit down at an in-store consultation desk. As Ms. Hackworth began to sit in the Lowe's provided chair, the chair failed and rolled backwards out from underneath her. Ms. Hackworth was caused to fall to the ground.

3.3. As a result of the fall, Ms. Hackworth sustained injuries to her ankle, knee, hips, back, hand and pelvis. Despite completing a course of various medical treatments, Ms. Hackworth still endures pain and ongoing treatment.

4. CAUSES OF ACTION

Premises Liability

4.1. Ms. Hackworth was a business invitee of Defendant. She was at Lowe's shopping for the goods and services Lowe's sells.

4.2. Defendant is the owner and/or operator of the store where the accident occurred. Therefore, at all times material to this incident, Defendant was the possessor of the premises where this incident occurred.

4.3. Ms. Hackworth was injured by an unreasonably dangerous condition on the property. Namely, a defective chair provided by a Lowe's employee. The defective chair provided was unreasonably unsafe and was the direct cause of Ms. Hackworth's injuries.

4.4. Defendant knew or, by the reasonable exercise of care should have known, that the chair provided to Ms. Hackworth was unreasonably dangerous. In fact, in the immediate aftermath of the incident, Ms. Hackworth was completing an incident report with a Lowe's employee who informed her the subject chair was defective and would need to be thrown away.

4.5. Defendant had a duty to warn Ms. Hackworth of the chair and/or make the condition reasonably safe for Defendant's guests.

4.6. Defendant breached that duty by failing to warn Ms. Hackworth and failing to make the condition safe.

4.7. Defendant's failure was a direct and proximate cause of Ms. Hackworth's injuries.

Negligence

4.8. Pleading in the alternative, Lowe's undertook a duty to provide Ms. Hackworth with a safe and stable chair from which she could participate in a consultation with a Lowe's employee. Lowe's breached that duty by providing Ms. Hackworth a chair that was unfit and unsafe. Lowe's breach of its duty to Ms. Hackworth was a direct and proximate cause of her injuries and damages in this case.

5. DAMAGES

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5.1.7. Exemplary damages in an amount to be determined by the jury.



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6.1. Plaintiff Tracy Hackworth hereby demands a trial by jury on all claims and causes of action and tenders the jury fee along with this Original Petition.

7. PRAYER

7.1. Plaintiff Tracy Hackworth prays that Defendant be cited to appear herein and that upon notice and hearing, she be awarded the damages described above, costs of court and any additional relief to which she may show herself justly entitled.

Respectfully Submitted,

SLOAN PLLC
14546 Brook Hollow Blvd. No. 512
San Antonio, TX 78232
T: 210.343.5000
F: 210.802.0480

/s/ Jeremy Sloan

Jeremy R. Sloan
State Bar No. 24054995
Email: jeremy@sloanpllc.com


CERTIFIED COPY CERTIFICATE STATE OF TEXAS
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July 09, 2021

**MARY ANGIE GARCIA,
BEXAR COUNTY, TEXAS**

By:



ALYSSA MONTEZ, Deputy District Clerk

(NOT VALID WITHOUT THE CLERKS'S ORIGINAL SIGNATURE.)